

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE: : CASE NO. 10-93904-BLH-11
EASTERN LIVESTOCK CO., LLC, : (Judge Basil H. Lorch III)
Debtor. :
: **MOTION OF THE KENTUCKY
CATTLEMEN’S ASSOCIATION
TO REMOVE THE TRUSTEE
PURSUANT TO 11 U.S.C. § 324
AND TO TERMINATE
EMPLOYMENT OF THE
TRUSTEE’S LEAD COUNSEL**

Kentucky Cattlemen’s Association (“KCA”) requests that the Court enter an order removing James A. Knauer as Chapter 11 Trustee (the “Trustee”), pursuant to 11 U.S.C. §§324 and 1104 and terminating the employment of Baker & Daniels, LLP (n/k/a Faegre, Baker Daniels, LLP). In support of this motion, the KCA states as follows:

1.) On July 10, 2012, counsel for several creditors filed a Motion to Remove Trustee pursuant to 11 U.S.C. §324 on behalf of Bluegrass Stockyards East, LLC, Bluegrass Stockyards, LLC, Bluegrass-Maysville Stockyards, LLC, Bluegrass Stockyards of Richmond, LLC, Bluegrass South Livestock Market, LLC, Bluegrass Stockyards of Campbellsville, LLC, East Tennessee Livestock Center, Inc., Southeast Livestock Exchange, LLC, Mosley Cattle Auction, Inc., Piedmont Livestock Company, Inc. and Alton Darnell [Dkt. No. 1237]. Said motion was joined by counsel for First Bank and Trust Company also on July 10, 2012 [Dkt No. 1239].

2.) Additionally, on July 10, 2012 counsel filed on behalf of First Bank and Trust Company a renewed motion seeking to terminate the employment of Baker & Daniels (n/k/a Faegre, Baker, Daniels, LLP [Dkt No. 1238]. On July 30, 2012 said motion was joined in by counsel on behalf of Bluegrass Stockyards East, LLC, Bluegrass Stockyards, LLC, Bluegrass-Maysville Stockyards, LLC, Bluegrass Stockyards of Richmond, LLC, Bluegrass South Livestock Market, LLC, Bluegrass Stockyards of Campbellsville, LLC, East Tennessee Livestock Center, Inc., Southeast Livestock Exchange, LLC, Mosley Cattle Auction, Inc., Piedmont Livestock Company, Inc. and Alton Darnell [Dkt No. 1279].

3.) The grounds set forth in the previously referenced Dkt Nos. 1237, 1238, 1239, and 1279 are incorporated herein fully by reference, as KCA also seeks removal of the Trustee James A. Knauer and the termination of the employment of lead counsel to the Trustee, Baker & Daniels, LLP (n/k/a Faegre, Baker Daniels, LLP).

4.) KCA's stated mission is to "provide a strong, proactive voice for all of Kentucky's Beef Farm Families, serve as a resource for information and education for producers, consumers and the industry and be a catalyst for enhancing producer profitability." For many of KCA's members, the economy of retaining counsel to monitor this large and complex bankruptcy is impractical. To that end, KCA has an interest in this case, its administration, and the impartiality and integrity of the Chapter 11 Trustee and his counsel.

5.) As the Court is well aware, numerous members of the Kentucky Cattlemen's Association, both large and small, have been caught up in the Eastern Livestock Bankruptcy; some devastatingly so. While few, if any, of the claims of KCA members approach the amount of Wells Fargo's claim, all creditors should be entitled to a disinterested trustee and expect full and complete disclosure of any conflict that the trustee may have. Given the lack of complete

disclosures as to the Trustee's relationship with Wells Fargo and certainly the appearance of impropriety, KCA's members should not be forced to question the integrity of this proceeding and be left to wonder if this entire bankruptcy was filed merely for the benefit of Fifth Third Bank, and Wells Fargo with whom the Trustee had an undisclosed relationship. Because of the taint caused by the Trustee's actions, there is no sufficient remedy, other than removal of both the trustee and his lead counsel.

WHEREFORE, the Kentucky Cattlemen's Association respectfully requests that the Court enter an order (i) removing the Trustee; (ii) terminating the employment of Baker & Daniels, LLP (n/k/a Faegre, Baker Daniels, LLP), (iii) expressly preserving and reserving all parties rights' in relation to any further remedies; and (iv) for such further relief as the Court deems appropriate.

THIS MOTION IS FILED SUBJECT TO ADMISSION OF THE UNDERSIGNED COUNSEL PRO HAC VICE.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2012, the foregoing was filed electronically. Notice of this filing was sent to the following parties through the Court's Electronic Case Filing System. Parties may access these filings through the Court's System.

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